

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11634 of 2020

Arising Out of PS. Case No.-5054 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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Ramesh Prasad S/O Late Bhuneshwar Singh Resident Of Mohalla-Gali No.5,
Ghana Colony, P.S.-Ramkrishna Nagar, District-Patna-80027.

... .. Petitioner

Versus

1. The State Of Bihar
2. Sanjay Kumar S/O Sri Sachhida Prasad Resident Of Village-Sampatchak,
P.S.-Gopalpur, District-Patna.

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Jagjit Roshan, Advocate

For the Opposite Party/s : Mr.Jai Narain Thakur, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 24-03-2021 Heard learned counsel for the petitioner and the

opposite party.

Petitioner apprehends arrest in registered for the
offences punishable under Sections 406/420 of the Indian Penal
Code and section 138 of the NI Act.

As per the complaint, this petitioner had taken
Rs.19,50,000/- from the complainant through cheques and cash
on different dates to purchase land on low price and for selling



the same at higher price giving assurance to repay the same immediately thereafter. In the transaction, petitioner issued two post dated cheques for the said amount in security. However, when the complainant presented these cheques in the bank, they bounced due to insufficient fund.

Learned counsel for the petitioner submits that as a matter of fact the complainant had executed an agreement but the land in question was found to be defective as such the petitioner refused to take the land of the complainant and requested for return of the total amount to the petitioner. Thereafter complainant returned Rs.12,00,000/-and promised to return the cheque of the petitioner but he did not return the same for which petitioner filed Complaint case no. 261 of 2018 against the complainant. It is also the case of the petitioner that the matter is of civil dispute. It is stated in paragraph 3 of the bail petition that the petitioner has got clean antecedent.

Considering the facts and circumstances of the case and the fact that cheques issued by the petitioner dishonoured by the bank due to insufficient fund in the account and thereby committed fraud by grabbing huge money of the complainant, his prayer for bail is refused with direction to surrender and seek regular bail which would be considered and disposed of on its



own merit without prejudice.

(Prabhat Kumar Singh, J)

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